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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Secretary-General

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I. INTRODUCTION

1. By its resolution 44/23 of 17 November 1989, the General Assembly declared the period 1990-1999 the United Nations Decade of International Law. The main purposes of the Decade, according to paragraph 2 of the resolution, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law.

2. On 28 November 1990, the General Assembly adopted resolution 45/40, entitled "United Nations Decade of International Law", to which was annexed the programme for the activities to be commenced during the first term (1990-1992) of the Decade. On 25 November 1992, the Assembly adopted resolution 47/32, to which was annexed the programme for the activities for the second term (1993-1994) of the Decade.

3. On 9 December 1994, the General Assembly adopted resolution 49/50, entitled "United Nations Decade of International Law", to which was annexed the programme for the activities to be commenced during the third term (1995-1996) of the Decade. In that resolution, the Assembly, inter alia, invited all States and international organizations and institutions referred to in the programme to undertake the relevant activities outlined therein and to provide information in this respect to the Secretary-General for transmission to the General Assembly at its fiftieth session or, at the latest, its fifty-first session; requested the Secretary-General to submit, on the basis of such information as well as new information on the activities of the United Nations relevant to the progressive development of international law and its codification, a report to the General Assembly at its fiftieth session; also requested the Secretary-General to proceed with the organization of the United Nations Congress on Public International Law, to be held from 13 to 17 March 1995, within existing resources and assisted by voluntary contributions, taking into account the guidance provided at the forty-eighth and forty-ninth sessions of the General Assembly, and to keep the Member States informed of the status of the preparations; invited all States to disseminate widely the revised guidelines for military manuals and instructions on the protection of the environment in times of armed conflict (A/49/323, annex) received from the International Committee of the Red Cross and to give due consideration to the possibility of incorporating them into their military manuals and other instructions addressed to their military personnel; and invited the International Committee of the Red Cross to continue to report on activities undertaken by the Committee and other

relevant bodies with regard to the protection of the environment in times of armed conflict, so that the information received may be included in the above report of the Secretary-General.

4. By a note dated 26 January 1995, the Secretary-General invited Governments to submit information on the implementation of the programme or any views on possible activities for the next term of the Decade. A similar request was transmitted by letters dated 20 and 27 January 1995 to intergovernmental organizations, United Nations bodies, international courts and tribunals, and non-governmental organizations working in the field of international law.

5. As at 10 August 1995, replies had been received from two States, the Cook Islands and Cyprus. Relevant information had also been received from the following United Nations bodies, international and regional organizations and institutions: International Institute of Humanitarian Law, Court of First Instance of the European Communities, United Nations Conference on Trade and Development (UNCTAD), Organization for Security and Cooperation in Europe (OSCE), United Nations Institute for Training and Research (UNITAR), International Council of Environmental Law (ICEL), International Labour Organization (ILO), Institute of International Law, United Nations International Drug Control Programme (UNDCP), Permanent Court of Arbitration (PCA), International Committee of the Red Cross (ICRC), United Nations Environment Programme (UNEP), World Health Organization (WHO), United Nations Educational, Scientific and Cultural Organization (UNESCO), Asian-African Legal Consultative Committee (AALCC), International Institute of Space Law (IISL), Food and Agriculture Organization of the United Nations (FAO), International Court of Arbitration of the International Chamber of Commerce (ICC), and United Nations Commission on Science and Technology for Development.

6. The replies from States and international organizations are analytically summarized in section II of the present report under five headings, corresponding to the five main sections into which the programme is divided. As a rule, the specific paragraphs of the sections of the programme containing requests to States and international organizations have provided the subheadings for the organization of the material under each heading of section II of the report.

7. The supplementary information on recent activities of the United Nations in the field of the progressive development of international law and its codification is presented in section III, on a topic-by-topic basis, following the format of the analysis presented in the last report of the Secretary-General on this item (A/49/323 and Add.1 and 2). The work of the International Law Commission and that of the Sixth Committee are dealt with separately.

8. The full texts of the replies, in the original language of submission, are available in the Codification Division of the Office of Legal Affairs.

II. ANALYTICAL PRESENTATION OF THE REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS

A. Promotion of the acceptance of and respect for the principles of international law

1. Promoting the acceptance of multilateral treaties*

9. UNDCP reported that, on the basis of information provided by the Office of Legal Affairs, it was preparing a monthly report on the status of adherence to the United Nations drug control treaties as well as an annual report on the status of reservations, declarations and understandings entered under those treaties.

10. UNEP observed that, with a view to promoting wider adherence to the existing international environmental agreements, it had continued wide dissemination of information on international law in the field of the environment. Its Executive Director has been submitting to each regular session of the Governing Council a report on the status of international conventions and protocols in the field of the environment for its consideration and subsequent transmission to the General Assembly. The report contains information on new international environmental agreements and changes to the status of existing instruments. Most recently, the report was submitted to the Governing Council at its eighteenth session in May 1995, and should, in accordance with Council decision 18/25 of 25 May 1995, be transmitted to the General Assembly at its fiftieth session. In the same decision, the Council called on States that had not yet done so to sign, ratify or accede to those conventions and protocols in the field of the environment to which they were eligible to become parties. Meetings of the contracting parties to the conventions concluded under UNEP auspices have similarly invited Governments to become parties to the respective conventions. In the same decision, the Governing Council noted with appreciation the quality and usefulness of the Register of International Treaties and Other Agreements in the Field of Environment, requested the Executive Director to continue regular publication of the Register and invited her to consider the possibility of updating and disseminating it more frequently. UNEP has been issuing and distributing the Register biennially

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* Under paragraph 2 of this section of the programme, States are invited to consider, if they have not yet done so, becoming parties to existing multilateral treaties, in particular those relevant to the progressive development of international law and its codification. International organizations under whose auspices such treaties are concluded are invited to indicate whether they publish periodic reports on the status of ratifications of and accessions to multilateral treaties, and if they do not, to indicate whether in their view such a process would be useful. Consideration should be given to the question of treaties which have not achieved wide participation or entered into force after a considerable lapse of time and the circumstances causing the situation.

since 1977. The 1993 version of the Register, which was issued in the six official languages of the United Nations, was sent to all Governments and relevant organizations. The preparation of its 1995 version is to start soon.

11. IISL reported that its Standing Committee on the Status of Space Law Treaties monitored the signature, ratification and accession or adherence to the United Nations space treaties.

12. AALCC reported that, pursuant to the mandate of the 1995 session, its secretariat was to continue to urge member States which had not already done so to consider ratifying or acceding to relevant multilateral codification conventions. In the sphere of international economic and trade law matters, AALCC at its 1995 session, held at Doha, Qatar, urged member States to consider the UNCITRAL Model Law on Procurement of Goods, Construction and Services as they reformed or enacted their legislation on procurement. The Committee also urged member States to consider adopting, ratifying or acceding to other texts prepared by UNCITRAL, including the United Nations Convention on the Carriage of Goods by Sea 1978 (the Hamburg Rules).

2. Assistance and technical advice to States to facilitate their participation in the process of multilateral treaty-making*

13. OSCE observed that, primarily through its Office for Democratic Institutions and Human Rights, it was pursuing an active policy of consolidating its norms and standards through the monitoring of their implementation and the assistance offered to States in carrying out the OSCE provisions.

14. UNITAR indicated that, in collaboration with UNEP and in association with the United Nations Centre for Human Settlements (Habitat), it had organized the second Training Programme in Environmental Law and Policy at Nairobi. The training programme was designed for government officials from developing countries and countries with economies in transition working in the field of environmental law and policy and related institutions. The programme was developed to enhance endogenous capacity-building for improved sustainable development. Its aim was to provide participants with information about legal and institutional developments at the international and national levels in the field of environmental law; to inspire greater interest in and commitment to the use of environmental law as an instrument for translating sustainable development policies into action; and to enable participants to take initiatives regarding the development and implementation of environmental law on a more informed basis in their respective home countries. UNITAR also organized, inter alia, a workshop on international legal instruments for Geneva-based

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* Under paragraph 3 of this section of the programme, States and international organizations are encouraged to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of such multilateral treaties, in accordance with their national legal systems.

diplomats aimed at providing them with a sound knowledge of the techniques regarding the drafting and interpretation of international legal instruments.

15. The International Institute of Humanitarian Law stated that in 1995 it had organized five military courses on the law of armed conflict for officers of national armed forces. It also organized two refugee law courses for government officials and non-governmental organizations (NGOs).

16. ILO reported that its multidisciplinary teams, whose mandate includes assistance to developing and transition countries to facilitate their adherence to and implementation of international labour standards, had become regularly established and operational. The Organization also stated that its activities directly addressed, inter alia, such issues raised in the programme for the third term of the Decade as the problem of ILO Conventions that had not achieved wide ratification, institutional means of action regarding the implementation of international labour standards, the ILO programme of work relevant to the progressive development of such standards and future trends in this regard in ILO's specialized field.

17. UNDCP pointed out that it was providing a wide range of legal services to requesting States to assist them in becoming parties to and in effectively implementing the international drug control conventions. It was advocating the adoption of adequate drug control legislation, advising on adjusting national laws as well as policies and infrastructure to implement the requirements of the conventions, helping to draft new or amended laws and providing post-adoption advice for implementation. In 1994-1995, UNDCP provided legal assistance to 27 African States, 17 States of Europe and the Near and Middle East and 9 States in the Asia and the Pacific region. A set of model laws covering all requirements of the three drug control treaties has been prepared to support legal assistance to States from both the common-law and the Roman-German systems. UNDCP was also collecting national drug control laws and regulations, publishing them to ensure mutual disclosure among parties and preparing an annual analytical index of that legislation to allow for the easy retrieval of the laws' contents. Tools prepared by UNDCP for the implementation of the conventions also included an annual directory listing national authorities competent to take action under specific articles of the conventions, such as article 7 (on mutual legal assistance) or article 17 (on illicit traffic by sea) of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. The directory assisted Governments in identifying their counterparts and in communicating directly with them. Pursuant to Economic and Social Council resolution 1993/42 entitled "Measures to assist in the implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988", UNDCP was working at the preparation of a commentary to that Convention, in order to provide States with a uniform interpretation as well as with practical recommendations for the implementation of the Convention.

18. PCA reported that it was making available modern procedural rules and, by providing its International Bureau's administrative support at minimal cost, ensuring the cost-effectiveness of the arbitral process. As a further step in that direction, the International Bureau has adopted measures aimed at decentralizing the functioning of PCA. The new measures facilitate the

convening of a tribunal, or other dispute settlement mechanism, at any location agreed upon by the disputing parties because of cost-effectiveness or for any other reason, and for the provision there of administrative support, arranged in collaboration with the Members of PCA. The International Bureau continued to encourage States to become parties to The Hague Convention on the Pacific Settlement of International Disputes of 1907, by sending information on PCA to Governments, raising the matter with representatives attending meetings of the Sixth Committee of the General Assembly and inviting interested Governments to be represented at its Steering Committee meetings.

19. ICRC considered that the dissemination and promotion of the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict prepared by it were part of its activities, including the appropriate representations which it planned to make to States. Specialized publications such as the International Review of the Red Cross and the American Journal of International Law were to report on them in 1995. ICRC emphasized that international humanitarian law remained an area of particular relevance and pointed out that humanitarian instruments should be promoted worldwide and effectively implemented. In this connection, ICRC noted that the meeting of intergovernmental experts for the protection of war victims (Geneva, January 1995) had adopted a number of recommendations for the exploration of practical means of promoting full respect for international humanitarian law. These included the provision by ICRC of advisory services to help States in their efforts to implement and disseminate international humanitarian law. The States and organizations concerned were invited to assist ICRC in this new task, for which the appropriate structure was being set up. ICRC further stated that all necessary attention should be given to the strengthening of means to implement instruments on the protection of cultural property in the event of armed conflict. Efforts to this effect were being monitored and encouraged by ICRC. The agenda of the seminar on the implementation of international humanitarian law, jointly organized by ICRC and UNESCO, to be held in September 1995 for the countries of Central Asia, also included the protection of cultural property in the event of armed conflict. To contribute towards efforts to promote respect for international humanitarian law, the 90th Conference of the Inter-Parliamentary Union (Canberra, September 1993) had adopted a resolution recommending the setting up of an ad hoc committee which was mandated to follow, with the help of ICRC, the issue of respect for international humanitarian law, particularly the ratification status of the relevant international instruments and the implementation of measures at the national level, as well as to disseminate information and make observations with a view to promoting respect for international humanitarian law. The work of the 26th International Conference of the Red Cross and Red Crescent, to be held at Geneva in December 1995, is to be centred on problems of implementation of humanitarian law and a search for appropriate solutions to put the humanitarian rules into full effect. It will provide an opportunity for the international community as a whole to demonstrate its support for the universally recognized humanitarian principles and its commitment to improved protection for the victims of armed conflicts.

20. UNEP reported that it had been carrying out activities in order to enhance the capacity and capabilities of developing countries and countries with economies in transition to enhance their participation in the development of,

adherence to and implementation of international environmental agreements. UNEP continued to provide such countries, upon request, with technical assistance for developing national environmental policy, legislation and institutions. It also provided government officials with training through seminars and workshops at the regional and global levels. UNEP, jointly with UNITAR and the United Nations Centre for Human Settlements, had organized a second global environmental law training programme at Nairobi in March/April 1995 that aimed, among other things, at promoting the effective implementation of international environmental agreements. UNEP also noted that it had been utilizing various meetings convened under its auspices for promotion of, adherence to and implementation of international environmental agreements. Thus it had, together with the Economic Commission for Africa (ECA) and the Organization of African Unity (OAU), convened an African subregional ministerial meeting of conventions at Nairobi from 6 to 8 March 1995, in conjunction with the African Ministerial Conference on the Environment. At the meeting a number of recommendations had been made relating to the implementation of international environmental agreements, including a coordinated strategy for strengthening Africa's preparedness for effective participation in environmental conventions, and strategic elements for enhancing national capacity for participating in such conventions. Furthermore, UNEP provided financial support for government officials of developing countries and countries with economies in transition to participate in international meetings relevant to the development and implementation of international environmental agreements convened by UNEP or UNEP-supported convention secretariats. UNEP had continued to contribute to the effective implementation of a number of international environmental agreements concluded under its auspices by providing administrative support to the secretariats of such agreements. Those agreements included: 1992 Convention on Biological Diversity; 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora; 1985 Vienna Convention for the Protection of the Ozone Layer and 1987 Montreal Protocol on Substances that Deplete the Ozone Layer; the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal; 1979 Bonn Convention on the Conservation of Migratory Species of Wild Animals; regional seas conventions and related protocols concluded in nine regions of the world. Regarding the Convention on Biological Diversity, the Conference of the Parties at its first meeting, held at Nassau from 28 November to 9 December 1994, decided to designate UNEP to carry out the functions of the secretariat of the Convention. That decision of the Conference of the Parties was welcomed by the UNEP Governing Council in its decision 18/36 (A) of 26 May 1995. In order to facilitate the task of the secretariats of the conventions concluded under its auspices, UNEP convened the Second Meeting on Coordination of Secretariats of Environmental Conventions at Nairobi on 14 and 16 May 1995. The third meeting was to take place at Geneva from 3 to 5 July 1995. UNEP further noted that, according to Governing Council decision 18/9 of 26 May 1995, it was to monitor the implementation of international legal instruments in the field of the environment, to elaborate and recommend, where necessary, means to enhance their effectiveness and to provide support, as agreed, to the convention secretariats.

21. AALCC stated that its secretariat was to continue to furnish assistance to the States members of the Committee to facilitate their participation in the process of multilateral treaty-making, their adherence thereto and the implementation thereof in accordance with their national legal systems.

22. IISL observed that one of its standing committees was providing clarity in the definitional questions of legal terminology presented by space activities.

23. FAO reported that, in support of its technical advisory assistance to member countries in the field of water law and its administration, it had issued in 1994 a publication entitled "Preparing national regulations for water resources management: principles and practice" (FAO Legislative Study Series, No. 52), which consisted of a manual providing conceptual material for use in the preparation of national regulations for the management, development, use and protection of freshwater resources. Particular attention was being devoted to the link between policy and legislation, and to the interface between the two. Country experiences in the review and formulation of water resources policy and supporting legislation have been surveyed and published as "Water policy and legislation review and reform: selected country experiences (Australia (State of Victoria), Chile, England and Wales, France (occasional paper FAO/WPL/2))". An approach was being developed to technical assistance to FAO member countries, whereby policy advice in the field of water resources and advice on water legislation are mutually complementary. Research was also in progress on the legal aspects of privatization of water services, with emphasis on irrigation water use, and on customary water rights in African countries. This research was expected to result in two separate publications in the Legislative Studies series. FAO also noted that its development of the International Code of Conduct for Responsible Fishing had progressed during 1994 through wide-ranging consultation and review. The Code of Conduct was to provide comprehensive guidance to States and promote responsible behaviour among all those involved in fisheries. It was to implement and complement the 1982 United Nations Convention on the Law of the Sea, as well as other international instruments on the conservation and development of fisheries. A revised version of the draft Code was subsequently prepared by the FAO secretariat, taking account of discussions at the technical level. It was to be submitted in March 1995, for further consideration and endorsement to the FAO Committee on Fisheries, and subsequently to the Organization's governing bodies - to the Council in June and to the Conference in November.

3. Ways and means of implementation of multilateral treaties*

24. OSCE indicated that, indirectly or directly, it was the political guardian of far-reaching arms control agreements which could form the basis of a new order of military security in Europe, such as the Treaty on Conventional Armed Forces in Europe (CFE), and the CFE 1 A Act on Personnel. These instruments had

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* Under paragraph 4 of this section of the programme, States are encouraged to report to the Secretary-General on ways and means provided for in the multilateral treaties to which they are parties, regarding the implementation of such treaties. International organizations are similarly encouraged to report to the Secretary-General on ways and means provided for by the multilateral treaties concluded under their auspices, regarding the implementation of such treaties. The Secretary-General is requested to prepare a report on the basis of that information and to submit it to the General Assembly.

introduced strict limits on key military equipment and personnel held by the States of the North Atlantic Treaty Organization (NATO) and the States in the area of the former Warsaw Treaty Organization. It also indicated that Europe, which had for many years been the area of the most tense confrontation and highest concentration of weapons, had embarked on an unprecedented demilitarization process, resulting in the liquidation of tens of thousands of pieces of equipment. A very intensive system of information exchange and intrusive verification had been put in place. The Vienna Document on Confidence- and Security-building Measures had created an elaborate system of politically binding confidence-building measures. It allowed control of military activities and provided at the same time for a number of early warning indicators.

25. ILO reported that it had sponsored, jointly with FAO, the International Atomic Energy Agency (IAEA), the Nuclear Energy Agency of the Organization for Economic Cooperation and Development (OECD/NEA), the Pan-American Health Organization (PAHO) and WHO, the International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources (BSS) which had recently been published by IAEA (interim edition). The BSS were relevant to the implementation of the ILO-Radiation Protection Convention (No. 115) (article 3) and Recommendation (No. 114), 1960, which provided in particular that: "Every member should have due regard to the recommendations made from time to time by the International Commission on Radiological Protection and standards adopted by other competent organizations" (para. 3).

26. UNESCO reported that, under article 26 of the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, States are required to report to the Director-General every four years on the implementation of the Convention. The most recent report on this subject was issued in 1989; the next was scheduled to be published at the end of 1995. The strengthening of the Convention and ways of improving its implementation were on the agendas of two meetings of experts held at The Hague in July 1993 and at Lauswolt in February 1994 at the request of the Government of the Netherlands. After studying the results of those meetings, the Director-General proposed that a meeting of States parties to the Convention should be convened during the twenty-eighth session of the General Conference in November 1995. The purpose of the meeting should be to consider measures to be taken in order to improve the implementation of the Convention. The Executive Board approved the proposal at its 145th session.

27. FAO reported that, in order to facilitate international cooperation and coordination in the wake of the United Nations Conference on Environment and Development (UNCED), it had been designated Task Manager for various chapters of Agenda 21 and had provided chairmanship for relevant subcommittees, with the Commission on Sustainable Development providing guidance and monitoring progress in implementing the Rio agreements. Besides its role as task manager, FAO contributed actively to the implementation of the UNCED agreements, in particular by providing technical and legal advice to the interim secretariat of the 1992 Convention on Biological Diversity and to the Intergovernmental Negotiating Committee of the 1994 International Convention to combat desertification. FAO acted as technical secretariat and provided documentation for the three sessions of the United Nations Conference on Straddling Fish

Stocks and Highly Migratory Fish Stocks. It also contributed to the United Nations Global Conference on the Sustainable Development of Small Island Developing States (Bridgetown, Barbados, 26 April-6 May 1994). In addition, the Organization prepared a monograph on capacity-building in agriculture, forestry and fisheries, to assist in the development of the UNDP Capacity 21 programme in these sectors.

28. UNDCP pointed out that it was closely monitoring implementation of the drug control treaties. It was issuing annual questionnaires to States on the legislative, administrative and operational steps taken by them to implement the treaties. The results were summarized and reviewed by the Commission on Narcotic Drugs.

29. UNEP reported that a Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities, which was expected to be adopted at an intergovernmental conference on the subject to be held in Washington from 23 October to 3 November 1995, would provide norms, principles and certain procedures for Governments to protect the marine environment from land-based activities. After its adoption, the document could contribute to the effective implementation of relevant provisions of the 1982 United Nations Convention on the Law of the Sea and various regional maritime conventions and protocols.

30. AALCC reported that it had directed its secretariat to monitor the implementation of recent multilateral instruments relating to the environment.

B. Promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice*

1. Suggestions by States for the promotion of means and methods for the peaceful settlement of disputes between States

31. No comments to be reported under this heading.

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* Under paragraph 1 of this section of the programme, States, the United Nations system of organizations and regional organizations, including AALCC, as well as the International Law Association, the Institute of International Law, the Hispano-Luso-American Institute of International Law and other international institutions working in the field of international law, and national societies of international law, are invited to study the means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, and to present suggestions for the promotion thereof to the Sixth Committee.

2. Suggestions by international organizations and bodies and national societies for the promotion of means and methods for the peaceful settlement of disputes between States

32. OSCE pointed out that it had made available to the participating States instruments for peaceful settlement of disputes. At their Valletta meeting (January-February 1991), experts of CSCE - as the Organization was then known - had adopted a report containing principles for dispute settlement and provisions for a CSCE procedure for the peaceful settlement of disputes. The procedure, also known as the Valletta Mechanism, may be applied in any dispute between participating States, with a few exceptions. The Valletta Mechanism provided for political instruments for the settlement of disputes between participating States in the form of the establishment of so-called dispute settlement mechanisms. These mechanisms consist of one or more independent members which may be selected from a list of experts. At their December 1992 meeting at Stockholm, the Foreign Ministers of the participating States further developed the machinery for the peaceful settlement of disputes. In order to further and strengthen their commitment to settle disputes exclusively by peaceful means, and in accordance with the Helsinki Decisions of 1992 to develop a comprehensive and coherent set of measures available within CSCE for the peaceful settlement of disputes, the Ministers have:

(a) Adopted measures to enhance the Valletta Mechanism through modification of the procedure for selecting a dispute settlement mechanism;

(b) Adopted the text of a Convention on Conciliation and Arbitration within CSCE 1/ providing for general conciliation and for arbitration on the basis of agreements ad hoc or, in advance, on the basis of reciprocal declarations, and declared it open for signature by interested participating States;

(c) Adopted a conciliation procedure as an option available to participating States on the basis of agreements ad hoc or, in advance, on the basis of reciprocal declarations;

(d) Decided that the Council or the Committee of Senior Officials of CSCE may direct any two participating States to seek conciliation to assist them in resolving a dispute that they have not been able to settle within a reasonable period of time.

None of the procedures for the peaceful settlement of disputes have been used thus far.

33. UNITAR stated that a long-term goal of the UNITAR-Interpress Agency (IPA) Fellowship Programme on Peacemaking and Preventive Diplomacy was to develop an institutional capacity for debriefing and the retrieval of United Nations practices and experience in peacemaking and preventive diplomacy in order to strengthen the United Nations potential for institutional learning and memory. Case material presented by staff and assembled by fellows is to serve as the basis for further research and study to develop a collection of case histories which document important lessons and issues. The goal is to develop a

repository of knowledge for use within the fellowship programme and, more widely, within the United Nations and the international community as a whole. Development of materials, such as a Case Handbook on Peacemaking and Preventive Diplomacy, was planned. The coordinator of the fellowship programme was given an 18-month grant by the Ford Foundation to carry out research on the topic of "The United Nations as a dispute settlement system: improving mechanisms for the prevention and resolution of conflict". The project involved a review of the causes of contemporary disputes and dispute escalation; an analysis of the mechanisms available within the United Nations system for preventing and resolving disputes; and proposals for making the system more effective. It also made a number of specific suggestions for strengthening pre-conflict peace-building and preventive diplomacy. The project was to be presented in the form of a book, for which publication was pending.

34. The Institute of International Law observed that its Eleventh Committee (Rapporteur: Mr. Rudolf Bernhardt) was working on the topic "The settlement of international disputes involving more than two States by judicial means and through arbitration".

35. The Permanent Court of Arbitration emphasized that the beginning of the Decade, in 1990, had coincided with the start of an extensive effort to revitalize the Court. That effort, which took many forms, including a programme of research and publication in the field of international arbitration, and participation in international conferences and symposia, was aimed at increasing awareness of, and ultimately recourse to, the various dispute resolution mechanisms offered by the Court. In the past year, PCA had made further progress in a number of areas previously reported on and undertaken activities in new areas. Thus its Financial Assistance Fund established on 3 October 1994, to which contributions were made on a voluntary basis, was aimed at providing financial assistance to qualifying States to enable them to meet, in whole or in part, the costs involved in international arbitration or other means of dispute settlement offered by The Hague Conventions. As a result of a generous initial contribution of the Government of the Netherlands, the Fund had already become operational. Other countries had indicated their readiness to contribute to the Fund in the near future. The Court further noted that its Steering Committee, in analysing the historical development and practical application of methods of dispute settlement, had explored, inter alia, at a meeting held on 28 March 1995, the issue of the form of potential changes to the Hague system of dispute resolution. Reserving at that stage any decision with respect to formal amendment of the existing treaty provisions, the Steering Committee considered making recommendations in three specific areas:

(a) The development of rules of procedure for international commissions of inquiry;

(b) The inclusion of international organizations as parties having "standing" in PCA dispute settlement proceedings;

(c) The establishment of an express basis for conciliation.

At the same meeting, the Steering Committee exchanged views on these draft recommendations and on first drafts prepared by two of the three rapporteurs:

draft rules for arbitration involving international organizations, and provisions concerning commissions of inquiry. At the end of the meeting, the members of the Steering Committee were invited to submit written comments on the draft texts and draft recommendations. The Court noted that new drafts, including draft rules for conciliation, should be circulated among the members of the Steering Committee as they became available. The Steering Committee was scheduled to meet again in the fall of 1995. The Court also reported that, as part of a continuing programme aimed at promoting awareness of the Court and its services, the International Bureau had sent copies of the PCA Optional Rules to the legal advisers of the ministries of foreign affairs of all States Members of the United Nations, as well as to the legal advisers of the major international organizations and a large number of private lawyers. The proceedings of the First Conference of Members of the PCA (September 1993), published early in 1994, had also been widely distributed. The Secretary-General of the Court had participated in several international conferences, including meetings of the Sixth Committee of the General Assembly (New York, November 1994) and the United Nations Congress on Public International Law (New York, March 1995). Participating in the debates of the Sixth Committee of the General Assembly, on behalf of the International Bureau as Permanent Observer on 15 November 1994, the Secretary-General made a statement on agenda item 136 (United Nations Decade of International Law). In his statement, the Secretary-General summarized the innovative measures adopted by the Court; emphasized that, by providing facilities and procedures for a broad range of methods of settling international disputes, the Court could complement the role of the International Court of Justice as the principal judicial organ of the United Nations; and drew attention to the recent establishment of the Financial Assistance Fund and to the decentralization of the functioning of the Court. In conclusion, he reiterated the Administrative Council's invitation to all States that did not yet participate in the work of the Court, to consider acceding to the Hague Convention of 1907. The Secretary-General and other members of the International Bureau continued to address an increasing number of groups of lawyers, students and other visitors to the Peace Palace. The Court further indicated that a number of experts in environmental law had encouraged its International Bureau to establish a working group to examine the need for the establishment of new international arrangements or institutions for resolving environmental disputes and to explore a possible role for the Court in that connection. The International Bureau of the Court had requested two experts in international environmental law to draft an initial working paper for discussion by the working group once it had been constituted.

36. UNEP pointed out that it was studying dispute avoidance and settlement among various relevant emerging legal issues in the light of sustainable development. Relevant activities were to be continued in late 1995 and subsequently, according to its decision 18/9 of 26 May 1995.

37. AALCC observed that it had always attached great significance to the cardinal principle of the peaceful settlement of disputes. Its secretariat had proposed to continue to monitor the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization with regard to the peaceful settlement of disputes. The AALCC secretariat had also proposed to organize an International Seminar on the "Work and role of the International Court of Justice". The seminar would aim at promoting awareness

of the work of the World Court on the eve of its fiftieth anniversary. The Seminar was intended to be convened with the assistance of the International Court of Justice. As regards disputes stemming from international economic and trade law matters, the AALCC secretariat would, during the term of the Decade, continue to exhort and urge member States to resolve their differences in accordance with the arbitration and/or conciliatory rules framed by the United Nations Commission on International Trade Law (UNCITRAL). AALCC would also endeavour to expand and enlarge the activities of its regional centres of arbitration functioning at Cairo, Kuala Lumpur and Lagos. The Lagos Regional Centre for International Commercial Arbitration was reactivated recently and has facilities for handling arbitration. The Centre provided secretariat support services, of which parties and arbitrators alike may avail themselves. Steps had been initiated to establish and make operational a similar centre at Nairobi to serve the countries in eastern and southern Africa. The question of the resolution of disputes relating to international economic and trade law had also been discussed at an international seminar on globalization and harmonization of commercial and arbitration laws organized by the AALCC secretariat in March 1995.

38. IISL pointed out that one of its Standing Committees was dealing with dispute settlement and also had begun to collect examples from different national jurisdictions of case-law arising from space activities with the intention of publishing them.

39. The International Court of Arbitration of the International Chamber of Commerce (ICC) observed that progress made in the world-wide acceptance of international arbitration was exemplified by the fact that parties involved in ICC arbitrations had originated from 100 countries last year. The Court also indicated that a report of a working group of the ICC Commission on International Arbitration, examining intellectual property disputes in arbitration, was expected to be released in 1996.

C. Encouragement of the progressive development of international law and its codification*

40. ILO stated that it had adopted 175 Conventions and 182 Recommendations, including the most recent Convention and Recommendation on part-time work of June 1994. The agenda of the eighty-second session of the International Labour Conference to be held in June included the consideration of the adoption of international labour standards on safety and health in mines and the extension of the Labour Inspection Convention of 1947 (No. 81) to activities in the non-commercial services sector. The agenda of the maritime session of the International Labour Conference to be convened in January 1996 included the adoption of revised international labour standards on maritime labour inspection, seafarers' wages, hours of work and manning at sea, recruitment and placement of seafarers and additions to the appendix to the ILO Convention on minimum standards in merchant shipping. ILO further observed that it had sponsored jointly with FAO, IAEA, WHO, the OECD/NEA and PAHO, the International Basic Safety Standards for Protection against Ionizing Radiation and for the Safety of Radiation Sources (BSS), which marked the culmination of efforts over several decades towards the harmonization of radiation protection and safety standards internationally. Moreover, ILO hoped that the establishment of the Inter-Organization Programme for the Sound Management of Chemicals, involving UNEP, FAO, WHO, the United Nations Industrial Development Organization (UNIDO), OECD and ILO, would facilitate the elaboration of a legally binding instrument on prior informed consent (see also para. 111 below). ILO had also been involved in preliminary discussions on possible means for international harmonization of the classification and labelling of chemicals.

41. WHO observed that, on 14 May 1993, the forty-sixth World Health Assembly had adopted resolution 46.40, by which it decided to request the International Court of Justice to give an advisory opinion on the question whether, in view of the health and environmental effects, the use of nuclear weapons by a State in war or other armed conflict would be a breach of its obligations under international law, including the WHO Constitution. Consequently, the Director-General filed in the Registry of the Court on 3 September 1993 said request for an advisory opinion. WHO also observed that it had held an

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* Under paragraph 1 of this section of the programme, international organizations, including the United Nations system of organizations and regional organizations, are invited to submit to the Secretary-General of the United Nations summary information regarding the programme and results of their work relevant to the progressive development of international law and its codification, including their suggestions for future work in their specialized field, with an indication of the appropriate forum to undertake such work. Similarly, the Secretary-General is requested to prepare a report on relevant activities of the United Nations (see sect. III below).

Under paragraph 2 of this section of the programme, States are invited, on the basis of the information mentioned in paragraph 1, to submit suggestions for consideration by the Sixth Committee. In particular, efforts should be made to identify areas of international law which might be ripe for progressive development or codification.

inter-regional meeting at New Delhi from 13 to 16 March 1995 regarding prevention and control of a plague epidemic, which, inter alia, considered the need to revise any of the provisions of the International Health Regulations. Subsequently, the forty-eighth World Health Assembly adopted resolution WHA48.7 of 12 May 1995, entitled "Revision and updating of the International Health Regulations", in which it urged member States to participate in the revision of the International Health Regulations and requested the Director-General to take steps to prepare a revision of the Regulations for submission to the Assembly. The Assembly also adopted resolution WHA48.11 of 12 May 1995, entitled "An international strategy for tobacco control", in which it requested the Director-General to report to the forty-ninth World Health Assembly on the feasibility of developing an international instrument to be adopted by the United Nations, taking into account existing trade conventions and other treaties.

42. FAO indicated that it was elaborating an International Code of Conduct for Responsible Fishing. Moreover, the 1983 International Undertaking on Plant Genetic Resources was being revised, and the possibility that the revised text might become a protocol to the Convention on Biological Diversity was being considered. Further proposed action included the development of a holistic normative framework to facilitate the cooperation of all concerned in meeting conflicting demands on land resources while avoiding land degradation, as well as the negotiation of regional or subregional cooperative agreements on mountains, possibly leading to the development of a global mountain charter and action plan.

43. OSCE stated that the Code of Conduct on Politico-Military Aspects of Security adopted at Budapest in December 1994 was an important milestone on the road leading to cooperative security. The Code, reaffirming the continuing validity of the comprehensive concept of security, set politically binding norms and principles guiding the role of armed forces in democratic societies and the relation, among States as well as the relations of States vis-à-vis their nationals in the military field. The Code underscored, inter alia, the determination of participating States to act in solidarity if OSCE norms and commitments were violated and to facilitate concerted responses to security challenges they might face.

44. AALCC indicated that it continued to study the progress of work of both the International Law Commission and the United Nations Commission on International Trade Law and to comment thereon as part of its modest contribution to the progressive development and codification of international law. The Consultative Committee attached great significance to the items currently on the agenda of the International Law Commission, as they were of particular relevance to its members. The Committee further reported that its secretariat had drawn up model legislation on the rights and duties of refugees in the light of the codified principles of international law and the practice of States in the region. The secretariat would also continue to examine the question of the establishment of safety zones for displaced persons in the country of origin.

45. ICRC pointed out that, following a meeting of technical experts (Geneva, August 1990), Switzerland, the depositary State of the Geneva Conventions and their Additional Protocols, had invited the States parties thereto to revise

annex I of Additional Protocol I, relative to the identification of installations and means of medical transport. The proposed amendments entered into force on 1 March 1994 and covered the latest technological developments that facilitated the identification of means of medical transport in times of armed conflict. Moreover, as part of the preparations for the Review Conference of the 1980 United Nations Convention on Certain Conventional Weapons, scheduled for September-October 1995, ICRC had participated in the work of governmental experts and had submitted proposals on the regulation of the use of land-mines, blinding laser weapons and other new weapons.

46. The International Bureau of the Permanent Court of Arbitration observed that a Steering Committee had been established to consider the possible revision of the 1907 Convention on the Pacific Settlement of International Disputes.

47. ICEL reported that it had cooperated over the past years with the International Union for the Conservation of Nature and Natural Resources (IUCN) and the Natural Resources Commission on Environmental Law on a draft International Covenant on Environment and Development. The project aimed at consolidating major existing and emerging legal principles relating to environmental conservation and sustainable development into an internationally binding legal instrument, thus contributing to the progressive development of international environmental law. In 1994, the fifth and final draft was completed and the document was launched during the United Nations Congress on Public International Law held in New York from 13 to 17 March 1995. It was also distributed at the third session of the Commission on Sustainable Development. Moreover, in cooperation with the IUCN and the Natural Resources Environmental Law Centre, UNESCO and ICRC, ICEL had continued preparatory work on drafting an instrument designed to improve the protection of the environment in times of armed conflict.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

1. Promotion of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law*

48. UNITAR observed that 158 persons from 67 countries had filed applications for the 1995 Hague Fellowship Programme organized under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. Nominations had been received from five different regions: 66 from Africa, 50 from Asia and the Pacific, 26 from Latin America and the Caribbean, 14 from Arab States and 2 from Europe. A Joint Selection Committee under the chairmanship of the Legal Counsel of the United Nations had awarded 18 fellowships. The training programme was to take place at

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* Under paragraph 1 of this section of the programme, States and other public or private bodies are encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

The Hague, from 3 July to 11 August 1995. Participants would attend the special seminars organized by UNITAR as well as selected lectures on private and public international law held at the Hague Academy of International Law.

2. Promotion of the teaching of international law for students and teachers at schools and at higher education levels and international cooperation for that purpose*

49. UNEP pointed out that it continued its assistance to the law faculty of a university in Sri Lanka for the development of a postgraduate programme in environmental law, including international environmental law, expected to commence in October 1995. That was the first of UNEP's projects regarding assistance for the development of environmental law curricula in universities of developing countries.

50. UNESCO observed that it was preparing a manual for human rights teaching for university-level use, which contained a chapter on humanitarian law and human rights. It further stated that the network of UNESCO chairs on education and training for human rights was especially active in the area of international humanitarian law. Thus, the UNESCO chairs at Nicolas Copernicus University of Torun, Poland, and Comenius University of Bratislava, Slovakia, were carrying out activities in this area in close cooperation with their national Red Cross organizations as well as ICRC. UNESCO also published in 1994 the third edition of the World Directory of Human Rights Research and Training Institutions and the fourth edition of the World Directory of Peace Research and Training Institutions.

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* Under paragraph 2 of this section of the programme, States should encourage their educational institutions to introduce courses in international law for students studying law, political science, social sciences and other relevant disciplines; they should study the possibility of introducing topics of international law in the curricula of schools at the primary and secondary levels. Cooperation between institutions at the university level among developing countries, on the one hand, and their cooperation with those of developed countries on the other, should be encouraged.

Under paragraph 3, States should consider convening conferences of experts at the national and regional levels in order to study the question of preparing model curricula and materials for courses in international law, training of teachers in international law, preparation of textbooks on international law and the use of modern technology to facilitate the teaching of and research in international law.

Under paragraph 7, cooperation is encouraged among developing countries, as well as between developing countries, in particular among those persons who are involved in the practice of international law, for exchanging experience and for mutual assistance in the field of international law, including assistance in providing textbooks and manuals of international law.

51. The Institute of International Law indicated that the Committee established in 1991 to consider the question of the teaching of international law was continuing its work under the guidance of its Rapporteur, Professor Ronald St. John Mcdonald.

52. The International Council of Environmental Law observed that, with the assistance of the Karl Schmitz Scholl Fund, it had set up a special fund for legal studies in the field of trade and the environment.

53. The International Institute of Space Law of the International Astronautical Federation reported that it had sponsored an international moot court competition, named in honour of Manfred Lachs, late Judge of the International Court of Justice. Preliminary rounds had been held in Europe and in the United States of America, with the final competition being held as part of the annual Conference of the Institute, and judged by three Judges of the International Court of Justice.

3. Organization of and participation in international and regional seminars and symposia for experts on international law*

54. The Cook Islands suggested that the United Nations convene a meeting of the legal advisers of the Ministries of Foreign Affairs of small States to discuss their role, the special operational and logistical problems they faced, inter alia, regarding participation in the multilateral treaty-making process and the fulfilment of reporting obligations, and possible means to resolve such problems through cooperation at the regional and global levels.

55. UNCTAD observed that from time to time it organized seminars on the legal aspects of restrictive business practices, technology and maritime multi-modal transport.

56. UNEP stated that it had organized a working group of experts to discuss liability and compensation for environmental damage from military activities (London, February 1995) as well as expert meetings to be held in 1995 and 1996 to discuss the concept, the requirements and the implications of sustainable development; compliance implementation mechanisms; and dispute avoidance and settlement procedures. These meetings were convened within the framework of studies conducted by UNEP on the above issues.

57. ILO reported that it had organized the following seminars and workshops in 1995: a Central American subregional tripartite seminar on the application of international labour standards (11-22 September); tripartite seminars on national legislation and international labour standards for selected French-speaking African countries (24-28 April 1995, Libréville and 2-6 May, Ouagadougou); a subregional tripartite seminar for economies in transition in

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* Under paragraph 4 of this section of the programme, States, the United Nations system of organizations and regional organizations should consider organizing seminars, symposia, training courses, lectures and meetings and undertaking studies on various aspects of international law.

East Asia on the promotion of equality of opportunity and treatment in employment (24-28 April 1995, Thailand); a southern African subregional workshop on international labour standards relevant to women workers (Lilongwe); a tripartite seminar on national legislation and international labour standards for Portuguese-speaking African countries (30 May-2 June, Portugal); a Caribbean subregional employers' seminar on international labour standards (Port-of-Spain); and an Asian-Pacific regional workers' education seminar on basic human rights and development (24-28 April, Manila). The International Training Centre of ILO organized a seminar on international labour standards (22 May-2 June, Turin/Geneva) and a tripartite programme on the dissemination of such standards (2-11 October, Mexico City).

58. UNESCO indicated that it had organized an international symposium on the right to humanitarian assistance from 25 to 27 January 1995 at UNESCO headquarters. Participants included jurists, theoreticians and participants in intergovernmental, governmental and non-governmental humanitarian assistance. The symposium provided an opportunity to explore different aspects of the concept of the right to humanitarian assistance, to consider the sudden growth of ideas and guidelines for action in this area and to identify the main directions and possible options for the various organizations concerned. Furthermore, the UNESCO Chair of Human Rights and Democracy in Moscow, in cooperation with the Russian National Commission for UNESCO and ICRC, organized an international conference on international humanitarian law in Moscow on 25 April 1995.

59. AALCC stated that it had organized a seminar on the question of an international criminal court in January 1995 which furnished a forum for an informal exchange of views on the draft adopted by the International Law Commission at its forty-sixth session. It also proposed to hold a seminar on international nuclear law in collaboration with the International Atomic Energy Agency.

60. The International Institute of Humanitarian Law indicated that it had organized the following seminars and round tables: eleventh seminar of European governmental experts regarding the East-West European dialogue on current refugee problems and displaced persons; fifth seminar for Arab experts on current problems of refugees in Arab countries; meeting of a group of experts on current problems of migration; and the twentieth international round table on current problems of international humanitarian law (San Remo, 6-9 September 1995).

61. The International Institute of Space Law of the International Astronautical Federation pointed out that its annual colloquium had been held at the same time and place as the annual Congress of the Federation, which included a round table on scientific and legal questions. Currently, the following issues, inter alia, were being discussed by the Institute: intellectual property, space debris, developments in international organizations dealing with space matters, verification and the common heritage of mankind. The Institute further observed that it had established a number of standing committees and working groups dealing, inter alia, with the clarification of the legal terminology relating to space activities and dispute settlement.

4. Training in international law for legal professionals and government officials organized by States and international organizations*

62. Cyprus reported that the management courses which its Police Academy had organized upon the promotion of members of the Police Force to the post of Inspector, Chief Inspector, Superintendent and Chief Superintendent had included, in the curriculum for the last two years, lectures on the subject of human rights. The precise theme of the lectures was "International conventions and human rights" and they contained a detailed analysis of all conventions concerning human rights, with particular emphasis on those to which the Republic of Cyprus had become a signatory and thereafter ratified by law. The first part of the lectures covered the Charter of the United Nations and treaties, declarations, covenants, etc., under the United Nations regime as well as international agreements brought into operation by international organizations such as the ILO. This included conventions covering a variety of human rights as well as those focusing on specific rights such as racial discrimination, torture, etc. The second part dealt with conventions at the regional level. Particular attention was devoted to the oldest one, the European Convention for the Protection of Human Rights, since it had proved a unique international legal instrument both as regards the extent of the rights it protected as well as the machinery for their implementation. The lectures also dealt with other European Conventions as well as the Organization of Security and Cooperation in Europe. Owing to the growing importance attached to human rights and the keen interest shown in the lectures, the idea of doubling their number was being considered. The lectures were given by an Officer of the Legal Service of the Republic.

63. Cyprus also indicated that the International Association for the Protection of Human Rights in Cyprus was a very active non-governmental organization. It organized lectures, seminars and conferences on a regular basis covering various aspects of the international law of human rights. Eminent jurists as well as distinguished practising lawyers in the field of international law from across Europe participated in such conferences, making valuable contributions. Through such meetings the opportunity was given to Cypriot lawyers and other legal

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* Under paragraph 5 of this section of the programme, States are encouraged to organize special training in international law for legal professionals, including judges, and personnel of ministries of foreign affairs and other relevant ministries as well as military personnel. The United Nations Institute for Training and Research, the United Nations Educational, Scientific and Cultural Organization, The Hague Academy of International Law, the International Institute of Humanitarian Law, regional organizations and the International Committee of the Red Cross are invited to continue cooperating in this respect with States.

Under paragraph 6, and in connection with the training of military personnel, States are encouraged to foster the teaching and dissemination of the principles governing the protection of the environment in times of armed conflict and should consider the possibility of making use of the guidelines for military manuals and instructions prepared by the International Committee of the Red Cross.

professionals to acquaint themselves better with the principles in this area. The organization by the Association, on an almost biannual basis in conjunction with the Directorate of Human Rights of the Council of Europe, of a two-day conference featuring distinguished speakers, was by now well established. The one held recently on 6 May 1995 on the topic of "Human rights in the emerging European order" covered the following subjects: (a) European Convention on Human Rights and the Central and Eastern European countries; (b) effects of the 9th and 11th Protocols to the European Convention on Human Rights; (c) the European Union and human rights: current issues and prospects; (d) emergence of particular protection of minorities in Europe; and (e) problems regarding the implementation of human rights norms in Europe. Contributions had been made by members of the European Commission of Human Rights as well as professors of international law from the United Kingdom of Great Britain and Northern Ireland, Greece, etc. The conferences had proved very successful and the detailed minutes of their proceedings were published by the Association.

64. Other activities of the Association for the Protection of Human Rights in Cyprus included the issuance of a bulletin and a newsletter on current matters in Cyprus and world affairs in the area of human rights. A seminar organized by the Association was to be held in October 1995, in which jurists and professors of international law holding seats in well-known universities in Europe would participate. The seminar would deal with the Report on Human Rights of the State Department of the United States to the Congress, and in particular the parts which concerned Cyprus, Greece and Turkey. The Association had also called on major establishments, companies, etc., to provide funds for the enlargement of the library of the Association. The ultimate goal was for the offices of the Association to become a Centre for International Law in Cyprus. Serious thought was also being given to the organization by the Association, in cooperation with a university or an institute abroad, of two-month courses on the European Convention for the Protection of Human Rights, to cover a thorough study of the rights protected, the procedure available with respect to individual petitions and, generally, an effective examination of the whole mechanism available.

65. UNITAR indicated that it provided training to legal professionals in a variety of areas. It thus organized the second training programme in environmental law and policy in association with UNEP and the United Nations Centre for Human Settlements (Habitat), aimed at enhancing endogenous capacity-building for improved sustainable development. UNITAR also organized jointly with the International Peace Academy a Fellowship Programme in Peacemaking and Preventive Diplomacy which offered advanced training in conflict analysis, negotiation and mediation to international and national civil servants wishing to learn or refine these skills. The programme was based on the latest knowledge in the field and was taught by distinguished experts from both academic and applied settings, including current and former United Nations Secretariat staff. Development of a Case Handbook on Peacemaking and Preventive Diplomacy was also planned. UNITAR, moreover, had organized a Training Programme in Debt and Financial Management for senior officers, mid-level managers, law professors and lawyers. The programme focused on the legal elements in the overall process of international loan negotiations, dealing in particular with those clauses in a loan agreement of most relevance to the borrower and for which improvements could be sought in its favour. From time to

time, UNITAR also held high-level awareness seminars for senior government officials with a view to keeping them abreast of and involved in the move towards better debt and financial management through proper involvement of lawyers at every stage of the borrowing process. UNITAR had further developed a training package for workshops in multilateral loan negotiations. Regarding international trade law, UNITAR had organized a workshop on procedures for the settlement of trade disputes within the framework of the World Trade Organization (WTO) for members of permanent missions in Geneva and, upon request, in developing countries. Members of permanent missions in Geneva could also attend a UNITAR workshop on multilateral treaty-making as well as a seminar on the practices and procedures of selected United Nations bodies and organizations of the United Nations system based in Geneva. A similar seminar was organized at Vienna.

66. The United Nations International Drug Control Programme reported that it carried out seminars to train judges and prosecutors in drug-related matters. It also organized and conducted regional legal workshops to help States identify and overcome legal cooperation problems.

67. UNEP indicated that it provided officials from developing countries with legal training in order to enhance their capacities in dealing with international environmental law, including the implementation of the conventions and guidelines concluded under its auspices.

68. ILO observed that its International Training Centre in Turin had recently published in French and Spanish a Trainers' Guide on International Labour Standards and Development, already published in English in 1992 and in Arabic in 1994. A videotape accompanying the Trainers' Guide was also available in English, French and Spanish. A human rights reporting package comprising a Manual on Human Rights Reporting, a Trainers' Guide on Human Rights Reporting and a pocket guide on Basic Human Rights Instruments was also due to be published in 1995 in English and French by the Turin Centre.

69. ICRC indicated that as part of the follow-up to the International Conference for the Protection of War Victims (Geneva, 1993), the meeting of the intergovernmental group of experts for the protection of war victims which had met at Geneva in January 1995 adopted a recommendation calling upon ICRC to prepare, inter alia, in cooperation with experts from various geographical regions, a model manual for armed forces on the law of international and non-international armed conflicts. To that end, a meeting of government experts might be convened in 1996. The experts' future work on the model manual would also include an examination of the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict.

70. The International Institute of Humanitarian Law reported that it had organized in 1995 five courses on international humanitarian law for armed forces. It had also organized two refugee law courses for government officials.

71. The International Institute of Space Law of the International Astronautical Federation stated that it had been organizing for a number of years a symposium on space law matters for the delegates and staff attending the meetings of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. The

topic of the 1995 programme was technical and policy issues related to the use of the space environment.

5. Publication of the practice of States and international and regional organizations in the field of international law*

72. The United Nations International Drug Control Programme reported that it collected national drug control laws and regulations, published them to ensure mutual disclosure among parties and prepared an annual analytical index of such legislation allowing for easy retrieval of the laws' contents.

73. UNEP observed that, in order to inform Governments and other relevant parties regularly about its activities in the field of environmental law, it had started issuing a Biannual Bulletin of Environmental Law, which contained information on UNEP's work on international legal instruments, in particular legislation, as well as information on recent activities of convention secretariats administered by UNEP.

74. ILO indicated that it would publish in 1995 a revised Manual of Procedures relating to International Labour Conventions and Recommendations. A new edition of the ILO computer-based system of ILO Conventions and Recommendations and recent practice of ILO supervisory bodies (ILOLEX) had been issued earlier in the year, holding 56,000 full-text documents. A new edition of ILOLEX, including all general surveys on law and practice under selected ILO Conventions and Recommendations of the Committee of Experts on the Application of Conventions and Recommendations as from 1985, would be issued during 1996. The most recent general survey, concerning the Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982, was examined by the Committee of Experts in February 1995 and published in April 1995. A general survey on the Discrimination (Employment and Occupation) Convention (No. 111) would be examined by the Committee of Experts at its next meeting in December 1995, with publication expected for early 1996. ILOLEX information seminars were organized throughout the year in various regions.

75. UNESCO observed that an information document was elaborated for each session of the General Conference on the standard-setting activities of the Organization.

76. FAO reported that it had issued the publication "Water policy and legislation review and reform: selected country experiences (Australia (state of Victoria), Chile, England and Wales, France)".

77. The International Council of Environmental Law stated that, in partnership with the Environmental Law Centre of IUCN, it maintained what was probably the world's most extensive collection of documents on environmental law and policy (international treaties, supranational instruments, national legislation, soft

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* Under paragraph 8 of this section of the programme, States and international and regional organizations should endeavour to publish, if they have not already done so, summaries, repertories or yearbooks of their practice.

law, literature and documents of international organizations, especially the United Nations system). Material was collected from all countries and in all languages in order to maintain as broad a coverage as possible. Bibliographic references to the documents were entered into the computerized Environmental Law Information System (ELIS) data bank. ELIS was a special sectoral source for the UNEP information referral service INFOTERRA. Upon request, it also carried out information retrieval for the United Nations and its specialized agencies.

78. The International Institute of Space Law of the International Astronautical Federation stated that it would publish a collection of national judicial decisions relating to space activities.

6. Publication by States and international organizations of international legal instruments and legal studies*

79. UNITAR observed that it had just published the fifth, entirely revised edition of Shabtai Rosenne's comprehensive study on the structure and functioning of the International Court of Justice, entitled The World Court: What it is and how it works. Moreover, publication is expected shortly of the report on a research project conducted by the coordinator of the UNITAR/IPA Fellowship Programme in Peacemaking and Preventive Diplomacy on the topic "The United Nations as a dispute settlement system: improving mechanisms for the prevention and resolution of conflicts".

80. UNESCO stated that it had published in 1994: "Human rights: principal international instruments (as of 31 May 1994); The Universal Declaration of Human Rights: Forty-fifth Anniversary, 1948-1993"; the second edition of Access to Human Rights Documentation: Documentation, Bibliographies and Data Base on Human Rights; and Jiri Toman, La protection des biens culturels en cas de conflit armé (Commentaire de la Convention de La Haye du 14 mai 1954).

81. FAO reported that it had published the following studies: "Evaluation des impacts sur l'environnement pour un développement rural durable: étude juridique"; "Régime juridique du contrôle et de la certification de la qualité des denrées alimentaires: puissance publique et producteurs"; "Preparing national regulations for water resources management - Principles and practice"; "Le droit international et l'aménagement du littoral"; and "Legal and institutional aspects of integrated coastal area management in national legislation". Moreover, research was in progress on the legal aspects of privatization of water services, with emphasis on irrigation water use, and on customary water rights in African countries, which would be published in the Legislative Studies series.

82. AALCC observed that the reports of its annual sessions continued to be published, also including research studies prepared by the secretariat on select

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* Under paragraph 9 of this section of the programme, States and international organizations should encourage the publication of important international legal instruments and studies by highly qualified publicists, bearing in mind the possibility of assistance from private sources.

topics. The Consultative Committee also published the outcome and proceedings of the special meeting on developing legal and institutional guidelines for privatization and post-privatization regulatory framework, held at Tokyo in January 1994, which included the draft text of such guidelines. The Secretariat had taken steps to ensure the widest possible dissemination of the above publications in the Afro-Asian region.

83. The International Bureau of the Permanent Court of Arbitration indicated that, as part of a continuing programme aimed at promoting awareness of the Court and its services, it had sent copies of the PCA Optional Rules to the legal advisers of the ministries of foreign affairs of all States Members of the United Nations, as well as to the legal advisers of the major international organizations and a large number of private lawyers. The proceedings of the first conference of members of the Court (September 1993), published early in 1994, had also been widely distributed. The International Bureau had also contributed papers and articles on the Court to a number of conferences and publications, including a conference on "International legal issues arising under the United Nations Decade of International Law" in Doha, Qatar, (March 1994); UN Forum 94/1, the publication of the Dutch Association for the United Nations; the Yearbook Commercial Arbitration; the Venice Conference on the Environment; the XIIIth meeting of the International Association of Law Librarians (The Hague, September 1994); and the Leiden Journal of International Law.

84. ICRC reported that the work of experts on the law of war at sea, which had begun in 1987, had led to the adoption in 1994 of the San Remo manual on international law applicable to armed conflicts at sea and an annex entitled Explanation. ICRC had taken an active part in that work, and the Manual could be viewed as a modern version of the Oxford manual on the laws of naval war adopted by the Institute of International Law in 1913. In addition to State practice, the new Manual took into account developments in modern technology and their effects in certain areas governed by international law, such as the air, the sea and the environment.

85. ICEL indicated that it had issued the following publications: the journal Environmental policy and law, which highlighted current developments in the field; a loose-leaf collection entitled International environmental law: multilateral treaties - in cooperation with the Environmental Law Centre of the IUCN; a loose-leaf collection entitled International Environmental Soft Law; a loose-leaf collection entitled Conservation in Sustainable Development (formerly International Protection of the Environment); the bibliography ICEL References; and the monthly Environmental Notes for Parliamentarians - in cooperation with the Inter-Parliamentary Union.

86. The International Institute of Space Law of the International Astronautical Federation pointed out that the American Institute of Aeronautics and Astronautics published the proceedings of its annual colloquium.

7. Wider publication of the judgements and advisory opinions of international courts and tribunals and summaries thereof*

87. Updating of the publication Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991) to cover the period 1992-1995 is already under way, and is to be completed during the present term of the Decade.

8. Publication by international organizations of treaties concluded under their auspices, publication of the United Nations Treaty Series and the United Nations Juridical Yearbook**

88. UNEP reported that it disseminated the texts of international legal instruments concluded under UNEP's auspices as well as a biannual Register of International Treaties and Other Agreements in the Field of the Environment to Governments, intergovernmental and non-governmental organizations and, upon request, to universities, research institutions and students. It had thus disseminated the recently adopted Code of Ethics on the International Trade in Chemicals to regional and national industry associations throughout the world, to all governments and to relevant intergovernmental and non-governmental organizations.

89. ILO observed that an updated edition of its compendium of International Labour Conventions and Recommendations would be published in late August 1995, to be followed by updated editions in French and Spanish.

90. UNESCO indicated that it had published the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocol and had distributed it widely in a four-language version to intergovernmental organizations, delegations and national commissions, and also to research

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* Under paragraph 10 of this section of the programme, the Secretary-General of the United Nations, in cooperation with the Registry of the International Court of Justice, is encouraged to update the publication Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1949-1991), in all the official languages of the Organization and within the existing overall level of appropriations.

Under paragraph 11, international courts and tribunals, including the European Court of Human Rights and the Inter-American Court of Human Rights, are invited to disseminate more widely their judgements and advisory opinions, and to consider preparing thematic or analytical summaries thereof.

** Under paragraph 12 of this section of the programme, international organizations are requested to publish treaties concluded under their auspices, if they have not yet done so. Timely publication of the United Nations Treaty Series is encouraged and efforts directed towards adopting an electronic form of publication should be continued. Timely publication of the United Nations Juridical Yearbook is also encouraged.

establishments, universities, non-governmental organizations and individuals who, for professional reasons, were concerned with international and public law. Moreover, it published periodically an updated supplement to the publication UNESCO's Standard-Setting Instruments.

91. Efforts have continued to be made to eliminate the backlog in the publication of the United Nations Juridical Yearbook. The 1990 and 1986 editions came out in 1993 and 1994, respectively, and the 1991, 1992 and 1987 editions are in the press. The calendar of production of subsequent editions provides for submission of the 1993 edition by the end of 1995, the 1994 and 1988 editions in 1996 and the 1995 and 1989 editions in 1997. This calendar, under which work proceeds simultaneously at both ends, will, it is to be hoped, make it possible to bridge the gap and eliminate the backlog by the end of 1997, while at the same time keeping readers of the Yearbook abreast of contemporary developments.

92. With the objective of ensuring an effective service by providing easy access to its treaty collection (over 40,000 at present), the Treaty Section of the Office of Legal Affairs is rapidly advancing its programme of computerization of the United Nations Treaty Series. Funding has been approved by the General Assembly for the current biennium to convert the text of the Treaty Series to optical disk format and to provide on-line access to text and editorial data to Member States and other users. The project is expected to be completed by the end of 1995.

93. The publication Multilateral Treaties deposited with the Secretary-General, Status as at [31 December of each year], which is now available on electronic format, will be accessible on-line to Member States and other users in the course of 1995. This project is being implemented in conjunction with the Electronic Services Division Internet access. Consideration is being given to levying a fee from users.

E. Procedures and organizational aspects

1. Role of the Sixth Committee of the General Assembly of the United Nations

94. No comments to be reported under this heading.

2. The United Nations Congress on Public International Law*

95. Pursuant to General Assembly resolutions 48/30 of 9 December 1993 and 49/50 of 9 December 1994, the Secretariat proceeded, within existing resources and taking into account the guidance provided at the forty-eighth and forty-ninth sessions of the General Assembly, with the organization of the United Nations Congress on Public International Law and kept Member States informed of the status of the preparations. The Congress was held at United Nations Headquarters from 13 to 17 March 1995, during the year of the celebration of the Organization's fiftieth anniversary, under the general theme: "Towards the twenty-first century: international law as a language for international relations". The purpose of the Congress was, inter alia, to assist the legal profession, the international community, in particular, States that have recently joined it, and the general public in meeting the challenges and expectations of the present-day world.

96. The Congress was organized within the framework of the United Nations Decade of International Law and it marked the Decade's mid-point. Consequently, the four aims of the Decade were reflected in four of the five topics which were chosen for the plenary meetings of the Congress. The first topic, which provided the theme for the first day of the Congress, concerned "The principles of international law: theoretical and practical aspects of their promotion and implementation". The topic selected for the second day of the Congress was entitled "Means of peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice". The topic of the third day was entitled "Conceptual and practical aspects of the codification and progressive development of international law: new developments and priorities". The topic for the fourth day was "New approaches to research, education and training in the field of international law and its wider appreciation". Finally, the fifth day of the Congress was devoted to the theme "Towards the twenty-first century: new challenges and expectations".

97. The Congress, a unique event in the history of the United Nations, was opened by the Legal Counsel of the United Nations and closed with an address by the Secretary-General of the Organization. It offered participants, including members of parliaments, diplomats and other government officials, members of international courts and tribunals, national and international judges, arbitrators, practising lawyers, professors of international law and other members of academe representing all geographical regions of the world an opportunity to exchange views on the codification, progressive development and

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* By paragraph 10 of General Assembly resolution 48/30, the Assembly decided that a United Nations Congress on Public International Law should be held in 1995. By paragraph 9 of its resolution 49/50 and paragraph 3 of this section of the programme, the Assembly requested the Secretary-General to proceed with the organization of the Congress to be held from 13 to 17 March 1995, within existing resources and assisted by voluntary contributions, taking into account the guidance provided at the forty-eighth and forty-ninth sessions of the General Assembly, and to keep the Member States informed of the status of the preparations.

implementation of public international law, both in theory and in practice, as well as on its teaching and dissemination.

98. The Secretariat is currently compiling the proceedings of the Congress.

3. Establishment of national, subregional and regional committees for implementation of the programme*

99. The Cook Islands pointed out that while there was no society of international law yet established in the Cook Islands, the Government of the Cook Islands had followed with interest developments relating to the Decade and deliberations within the United Nations in relation thereto.

4. Question of the provision of adequate financing for the implementation of the programme for the Decade**

100. With reference to paragraph 7 of General Assembly resolution 49/50, in which the Assembly appealed, inter alia, to international organizations to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme for the third term of the Decade (1995-1996), UNESCO indicated that it was pursuing this objective on a general level through the promotion of international cooperation in the field of international law, and more specifically, was distributing its numerous publications world wide.

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* Under paragraph 5 of this section of the programme, States are encouraged to establish, as necessary, national, subregional and regional committees which may assist in the implementation of the programme for the Decade.

** Under paragraph 6 of this section of the programme, it is recognized that, within the existing overall level of appropriations, adequate financing for the implementation of the programme for the Decade is necessary and should be provided. Voluntary contributions from Governments, international organizations and other sources, including the private sector, would be useful and are strongly encouraged. To this end, the establishment of a trust fund to be administered by the Secretary-General might be considered by the General Assembly.

III. ACTIVITIES OF THE UNITED NATIONS RELEVANT TO THE PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

A. The law relating to human rights

Commission on Human Rights - Subcommission on Prevention of Discrimination and Protection of Minorities

101. Currently, the Commission on Human Rights is working, on the basis of a study and a draft body of principles elaborated by the Subcommission, on a draft declaration on the rights and responsibilities of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms; it is also working on a declaration on the rights of indigenous peoples on the basis of a draft prepared by the Subcommission. The Commission is, moreover, elaborating a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, designed to establish a preventive system of visits to places of detention. It is also working on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on a possible optional protocol to the same Convention on the sale of children, child prostitution and child pornography. The Commission is further considering the question of the elaboration, on the basis of a study prepared by the Subcommission, of a third optional protocol to the International Covenant on Civil and Political Rights aimed at guaranteeing under all circumstances the right to a fair trial and a remedy, as well as the question of minimum humanitarian standards.

102. The Subcommission is studying a number of questions, such as the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms and human rights and the environment.

Commission on the Status of Women

103. The Commission is considering the elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women that would introduce the right of individuals to petition the treaty's monitoring body in cases of violations of the Convention.

B. The law relating to disarmament

Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

104. The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons decided on 11 May to extend the Treaty indefinitely. The Conference also adopted texts on strengthening the review process for the Treaty, on principles and objectives for nuclear non-proliferation and disarmament and on the creation of a zone free of nuclear and other weapons of mass destruction in the Middle East.

Conference on Disarmament

105. The Conference on Disarmament is currently working on the elaboration of a comprehensive and verifiable nuclear test-ban treaty. It also recently established an ad hoc committee for the negotiation of a treaty on the prohibition of the production of fissile material for nuclear weapons and other nuclear explosive devices. The Conference is further pursuing its deliberations on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

C. The law relating to outer space

106. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space is currently continuing, inter alia, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union, as well as its consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interest of all States, taking into particular account the needs of developing countries.

D. The law relating to economic development

United Nations Conference on Trade and Development

107. The Joint UNCTAD/International Maritime Organization (IMO) Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects, at its seventh session, held at Geneva from 5 to 9 December 1994, began the consideration of the possible review of the 1952 International Convention for the Unification of Certain Rules Relating to the Arrest of Seagoing Ships.

108. The United Nations Conference on Natural Rubber adopted the International Natural Rubber Agreement on 17 February 1995.

E. The law relating to international trade

United Nations Commission on International Trade Law

109. The United Nations Commission on International Trade Law adopted at its twenty-eighth session a draft convention on independent guarantees and stand-by letters of credit. UNCITRAL is also continuing work on a draft model law on legal aspects of electronic data exchange in international trade.

F. The law relating to crime prevention and criminal justice

110. The Commission on Crime Prevention and Criminal Justice is considering the question of the elaboration of a convention on transnational crimes not already covered by existing international instruments and a convention against illicit trafficking in children. It is also working on a draft code of conduct aimed at preventing the corruption of public officials.

G. The law relating to environment

United Nations Environment Programme

111. UNEP is continuing its work towards the development of an international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals in international trade, in cooperation with other relevant international organizations and taking into account the need to harmonize the provisions of such an instrument with relevant international trade rules (see also para. 40 above).

112. Regarding protection of the marine environment, the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, expected to be adopted at an intergovernmental conference on the subject to be held in Washington, D.C., from 23 October to 3 November 1995, would contribute to the effective implementation of relevant provisions of the 1982 United Nations Convention on the Law of the Sea and various regional maritime conventions and protocols.

113. UNEP assisted, through its coordinating role, in the development of the Lusaka Agreement on Cooperative Enforcement Operations directed at Illegal Trade in Wild Fauna and Flora, concluded on 9 September 1994, which is the first regional agreement on enforcement measures to counter illegal trade in wildlife in Africa.

114. UNEP is further preparing a study on the need for and feasibility of new international environmental instruments aimed at sustainable development.

H. The law of the sea

115. The significant development in the area of the law of the sea during 1995 centred around the establishment of the three institutions called for under the United Nations Convention on the Law of the Sea. The other major development during the year was the adoption of the Agreement for the implementation of the provisions of the Convention relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.

116. The Convention authorizes the establishment of three new institutions, the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

117. Two organizational meetings of the Assembly of the International Seabed Authority were held during 1995. At the first meeting, held from 27 February to 17 March, the Assembly elected its President and adopted its rules of procedure. The Assembly also devoted substantial attention to the composition and election of the members of the Council but was unable to come to a final agreement on the matter. The second meeting, which constituted the third and final part of the first session of the Assembly, was held in Jamaica from 7 to 18 August 1995. At that meeting the Assembly was expected to set up the Council and elect the Secretary-General of the Authority. The Council is one of the two main organs of the Authority, the other being the Assembly. The Assembly consists of all the parties to the Convention as well as all those States which have agreed to the provisional application of the 1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea. 2/ The Council will consist of 36 members elected by the Assembly, reflecting four main elements: States with a special interest in deep seabed mining, such as the largest consumers or largest producers of the categories of minerals to be mined from the seabed; States that have pioneered large investments and activity in the Area; developing countries with special interests, such as land-locked or populous States; and an equitable geographical representation, as well as a balance between developed and developing States.

118. Two Meetings of States Parties to the Convention were scheduled for 1995, to deal with organizational matters and practical arrangements for the establishment of the Tribunal. An earlier Meeting of States Parties was held in November 1994 at which a decision was taken to postpone once only the election of the judges, bearing in mind the desire to achieve universal participation in the Convention and the provisions of annex VI, articles 2 and 3, of the Convention. 3/ The Meeting also decided that the elections of judges for the Tribunal would be held on 1 August 1996 and requested the Secretary-General to designate a United Nations staff member to be charged with making preparations of a practical nature for the organization of the Tribunal, including the establishment of a library. That request was subsequently endorsed by the General Assembly.

119. The States parties held the second Meeting in New York from 15 to 19 May 1995 and decided on a series of organizational matters, including the official languages of the Tribunal, which will be English and French. The States parties also decided to discuss the initial budget of the Tribunal at the next Meeting, which will be held in New York from 27 November to 1 December 1995. 4/

120. The third institution envisaged under the Law of the Sea Convention is the Commission on the Limits of the Continental Shelf. A meeting of group of experts is scheduled to be held in New York from 11 to 14 September 1995 in order to assist the Secretariat in finalizing the working papers which would facilitate the start-up activities of the Commission. The States parties will meet in New York on 29 April to 10 May 1996 to elect the members of the Commission.

121. Another major development in the law of the sea was the adoption on 4 August 1995 of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to

the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. 5/ The Agreement was elaborated by the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, which had been convened by the General Assembly in response to a recommendation of the United Nations Conference on Environment and Development in its Agenda 21, chapter 17, programme area C.

122. The elements of the Agreement are the following:

- Basic principles and minimum international standards for the conservation and management of the fish stocks;

- Obligations to ensure the compatibility of measures taken both within and outside areas under national jurisdiction;

- Effective mechanisms for securing compliance and enforcement of regionally and globally agreed management measures through enhanced flag State duties and a scheme for boarding and inspection by non-flag States on the high seas;

- A globally agreed framework for stronger regional cooperation in the conservation and management of fisheries resources, taking into account the requirements of developing States;

- A compulsory binding dispute settlement mechanism which relies essentially on the UNCLOS system.

123. The Agreement will be opened for signature on 4 December 1995 and will enter into force 30 days after the date of the deposit of the thirtieth instrument of ratification or accession.

I. Work of the International Law Commission

124. At its forty-seventh session, the Commission dealt with all the topics on its agenda.

125. As regards the draft Code of Crimes against the Peace and Security of Mankind, the Commission received from the Drafting Committee a number of articles adopted on second reading by the Committee. Noting, however, that those texts were of an interim character and should in any event be accompanied by commentaries, it decided to defer the final adoption of the texts in question until after the Drafting Committee had completed its second reading of the entire draft.

126. In connection with the topic "State responsibility" the Commission, after considering the Special Rapporteur's seventh report which was devoted to the question of the legal consequences of internationally wrongful acts characterized as crimes in article 19 of Part One of the draft, decided to refer the draft articles contained therein to the Drafting Committee. The Commission furthermore adopted for inclusion in Part Three of the draft a set of seven

articles and an annex thereto on the settlement of disputes arising out of the interpretation and application of the future convention on the topic.

127. Concerning the topic "International liability for injurious consequences arising out of acts not prohibited by international law", the Commission, after considering the tenth and eleventh reports of the Special Rapporteur, established a Working Group under the topic to deal with the identification of dangerous activities. The conclusions of the Working Group were endorsed by the Commission in an amended form. The Commission furthermore adopted four articles concerning the general principles applicable in this area of the law, namely articles A (Freedom of action and the limits thereto), B (Prevention) and D (Cooperation) plus, as a working hypothesis, article C on liability and reparation.

128. The Commission also started its consideration of two new topics, namely, "The law and practice relating to reservations to treaties" and "State succession and its impact on the nationality of natural and legal persons".

129. As to its future programme of work, the Commission decided to propose to the General Assembly "Diplomatic protection" as a new topic for inclusion in its agenda and to prepare a feasibility study on the topic provisionally entitled "Rights and duties of States for the protection of the environment".

J. Work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

130. At its 1995 session, the Special Committee continued its work on the basis of the mandate contained in paragraph 4 of General Assembly resolution 49/58 of 9 December 1994. It completed and submitted to the Assembly for consideration draft United Nations Model Rules for the Conciliation of Disputes between States. The Special Committee also continued its work on the question of the implementation of the Charter provisions related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. In addition, it examined the question of the deletion of the enemy State clauses of the Charter, and started consideration of a proposal on establishment of a dispute settlement service offering or responding with its services early in disputes.

K. Work of the Sixth Committee

131. As regards the progressive development of international law and its codification, the Sixth Committee, at the forty-ninth session of the General Assembly, completed the elaboration of what subsequently became the Convention on the Safety of United Nations and Associated Personnel, adopted by the General Assembly on 9 December 1994.

132. Concerning the draft statute for an international criminal court elaborated in 1994 by the International Law Commission, the General Assembly decided, on the recommendation of the Sixth Committee, to establish an ad hoc Committee to

review the major substantive and administrative issues arising out of the draft and, in the light of that review, to consider arrangements for the convening of an international conference of plenipotentiaries (resolution 49/53 of 9 December 1994). The Committee met from 3 to 13 April and from 14 to 25 August 1995.

133. As regards the draft articles on the law of the non-navigational uses of international watercourses also originating in the International Law Commission, the General Assembly decided that, at the beginning of its fifty-first session, the Sixth Committee shall convene from 7 to 25 October 1996 as a Working Group of the Whole to elaborate a framework convention on the law of the non-navigational uses of international watercourses on the basis of the draft articles and in the light of the written comments and observations of States and views expressed in the debate at the forty-ninth session of the Assembly (resolution 49/52 of 9 December 1994).

134. With respect to the draft articles on the jurisdictional immunities of States and their property completed by the International Law Commission in 1991, the General Assembly accepted the recommendation of the Commission for the convening of an international conference to conclude a convention on the subject and decided to resume at its fifty-second session consideration of the issues of substance arising out of the draft articles, in the light of the reports of the Working Group on the subject and the comments submitted by States thereon, and to determine, at its fifty-second or fifty-third session, the arrangements for the conference (resolution 49/61 of 9 December 1994).

135. The General Assembly, on the recommendation of the Sixth Committee, also adopted two declarations: the Declaration on Measures to Eliminate International Terrorism (resolution 49/60 of 9 December 1994) and the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, elaborated within the framework of the Special Committee on the Charter (resolution 49/57 of 9 December 1994).

Notes

1/ The Convention, opened for signature on 15 December 1992, entered into force on 5 December 1994 with 12 ratifications.

2/ See A/49/323, paras. 175 and 176.

3/ See SPLOS/3, para. 10.

4/ See SPLOS/4, para. 43.

5/ A/CONF.164/37.

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Report of the Secretary-General

Addendum

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II. ANALYTICAL PRESENTATION OF REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS

C. Encouragement of the progressive development and codification of international law

42 bis. The International Maritime Organization (IMO) reported that at its seventy-second session, in April 1995, the Legal Committee concluded its work on a draft Convention for liability and compensation in connection with the carriage of hazardous and noxious substances by sea. The draft is expected to be adopted at a diplomatic conference in the spring of 1996. It establishes a system for compensation and liability, covering in principle all kinds of hazardous and noxious substances (HNS) defined by reference to existing lists of such substances, such as the International Maritime Dangerous Goods Code and Annex II of the International Convention for the Prevention of Pollution from Ships. It goes further in its scope than the oil pollution compensation regime in that it would cover not only pollution but also the risks of fire and explosion. The draft Convention introduces strict liability for the shipowner, higher limits of liability than the present general limitation regimes and a system of compulsory insurance and insurance certificates. It tries at the same time to establish a link to these general limitation regimes in order to make the best possible use of the limited capacity in the insurance market and to avoid unnecessary costs for the shipowner. It has generally been agreed that it would not be possible to provide sufficient cover only through the shipowner's liability for the damage that could be caused in connection with the carriage of HNS cargo. This liability, which forms a first tier of the Convention, is therefore supplemented by a second tier, the HNS Fund, financed by cargo interests. IMO further observed that the Legal Committee had also continued with its consideration of a draft protocol to amend the Convention on Limitation of Liability for Maritime Claims, 1976, with a view to concluding this work in time for the draft to be submitted for consideration and adoption by the HNS Conference in 1996. In addition, IMO stated that the following diplomatic conferences had taken place: a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, which adopted new chapters IX to XI to be added to the Annex to the Convention (17-24 May 1994); a Conference of Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, which adopted amendments to Annexes I, II, III and V of the Convention (1-3 November 1994); a Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, which adopted amendments to the Convention's Annex and an associated Seafarers' Training, Certification and Watchkeeping Code (26 June-7 July 1995); and an International Conference on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, which adopted an International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (26 June-7 July 1995).

43 bis. The Council of Europe indicated that the progressive development of international law and its codification were a central focus of the Committee of Legal Advisers on Public International Law (CAHDI), which reports directly to the Committee of Ministers of the Council of Europe. CAHDI examines many different questions relating to public international law, such as: the work of

the Sixth Committee of the United Nations General Assembly; the work of the International Law Commission; State succession in Europe relating to treaties; jurisdictional immunities of States and their property; the law and practice relating to reservations, in particular as regards human rights treaties; the United Nations Decade of International Law; debts of embassies and diplomats; and the international ad hoc tribunals on the former Yugoslavia and on Rwanda.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

5. Publication of the practice of States and international and regional organizations in the field of international law

76 bis. The Council of Europe recalled that, in 1990, CAHDI had set up a Group of Specialists on publications concerning State practice in the field of public international law (DI-S-PR). The Group was in particular studying the feasibility of a pilot project on documentation concerning State practice relating to State succession and issues of recognition. CAHDI considered that the project would constitute a highly useful contribution from the Council of Europe to the United Nations Decade of International Law. The pilot project was approved by CAHDI in March 1994 and was launched in May 1994. The next meeting of DI-S-PR will be held from 5 to 7 September 1995, when the Group will, inter alia, meet with national coordinators appointed by States members of the Council of Europe for the purpose of the project. The aim of the project is to ascertain whether it is possible to gather data on State practice in the States members of the Council of Europe with regard to State succession and issues of recognition and subsequently to make them accessible to all States members of the Council of Europe. This will encourage member States whose State practice is not documented at present to start to build a collection in this field. If both objectives prove feasible, the project could later be extended to other areas of international law, as referred to in the Council of Europe's 1968 Model Plan for documentation concerning State practice. The final aim is to present, on behalf of the Council of Europe, a publication on the State practice of the members of the Council of Europe as a contribution to the United Nations Decade of International Law. The target groups or users of documentation on State practice would be primarily the executive branch, legislature and judiciary of member States, international organizations, as well as law firms, business circles and the academic world.